

REMARKS

The Examiner has again rejected Claims 1-2 and 13-16 under 35 U.S.C. §103(a) allegedly being unpatentable over applicant's admitted prior art (AAPA) in view of Feldman et al. (6,130,889). Applicant respectfully disagrees with such rejection.

In the latest action, the Examiner has presented a response to applicant's arguments. Applicant notes, however, that the Examiner has only addressed the subject matter added by amendment in applicant's previous response. Moreover, it appears that the Examiner has overlooked applicant's other arguments regarding the original claimed subject matter. In order to ensure that all of applicant's arguments are considered under final, applicant has organized, under separate headings, the rebuttal to the Examiner's response to previous arguments, applicant's previous unconsidered arguments, and applicant's arguments regarding further deficiencies in the Examiner's action.

Rebuttal to the Examiner's Response to Previous Arguments

In the previous action, the Examiner has only addressed the subject matter added by amendment in applicant's previous response, namely applicant's claimed "wherein said one or more messages containing said illusory content is sent for preventing a time out operation as a result of security processing." Note all independent claims.

In the Examiner's "Response to Arguments," the Examiner relies on applicant's admitted prior art (AAPA) on page 2, lines 13-19 to meet applicant's claimed "wherein said one or more messages containing said illusory content is sent for preventing a time out operation as a result of security processing" (emphasis added). Such AAPA, however, is not a "teaching," as purported by the Examiner, but rather a statement of the problem solved by applicant.

Moreover, it is noted that such statement of the problem was set forth in a section entitled "Description of the Related Art," not "Applicant's Admitted Prior Art," as purported by the Examiner. The Examiner's use of applicant's recognition of the problem to be solved is not admitted prior art.

Thus, the Examiner's use of applicant's recognition of the "problem to be solved" in the rejection is improper, since it constitutes applicant's own disclosure. See excerpt from MPEP below:

"To reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. Knowledge of applicant's disclosure must be put aside in reaching this determination." (emphasis added - MPEP 2142)

Again, only applicant teaches and claims sending one or more messages containing illusory content "for preventing a time out operation as a result of security processing." Thus, at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner has relied upon subject matter that is not prior art; and the prior art, when combined, fails to teach or suggest all the claim limitations. A notice of allowance or a specific prior art showing of such feature, in combination with the remaining claim elements, is again respectfully requested.

After careful review of the remaining action under final, it appears that the Examiner has adjusted his previous action so that, instead of relying on the alleged AAPA to make a prior art showing of applicant's claimed "sending one or more messages containing illusory content from said agent to said client," the Examiner now relies on the following excerpt from Feldman to make such prior art showing.

“VC KeepAlive”:

This message is sent by an ISR to inform its neighbors of its continued existence. It is the first message that is transmitted after initialization. In order to prevent the neighbor timeout period from expiring, the “VC KeepAlive” messages must be periodically sent to neighbors. The “VC KeepAlive” need only to be sent when no other protocol messages have been transmitted within the periodic interval time.” (col. 7, lines 25-31)

The foregoing excerpt along with the remaining Feldman reference, however, fails to make any disclosure, teaching or even suggestion of any sort of “agent” and “client,” let alone “sending one or more messages containing illusory content from said agent to said client” (emphasis added), as specifically claimed by applicant.

It appears that the Examiner is attempting to meet applicant’s claimed “agent” by pointing to the Integrated Switch Router (ISR) of Feldman, which is defined to include a “standard IP router.” Further, it appears that the Examiner is attempting to meet applicant’s claimed “client” by pointing to the “neighbors” of Feldman, which are also ISR’s.

In response, applicant points to the broadest plain and ordinary meaning of “agent,” which is exemplified by the exemplary definition below:

“Agent - A program that performs some information gathering or processing task in the background. Typically, an agent is given a very small and well-defined task.”
<http://www.webopedia.com/TERM/a/agent.html>

Moreover, applicant’s specification provides a “proxy” as an example of an agent.

Applicant asserts that the standard IP router of Feldman does not meet applicant's claimed "agent," since it in no way constitutes any sort of *program* that performs some processing task in the *background*.

Further, applicant points to the broadest plain and ordinary meaning of "client," which is exemplified by the exemplary definition below:

"Client - The client part of a client-server architecture. Typically, a client is an application that runs on a personal computer or workstation and relies on a server to perform some operations. For example, an e-mail client is an application that enables you to send and receive e-mail."
<http://www.webopedia.com/TERM/c/client.html>

Applicant asserts that the standard IP router of Feldman does not meet applicant's claimed "client," since it in no way constitutes an application that runs on a workstation or computer for relying on a server to perform operations.

Only applicant teaches and claims sending one or more messages containing illusory content from said agent to said client for the specific purpose of preventing the client from timing out as a result of security processing.

Still yet, it is noted that the VC KeepAlive message further does not contain any "illusory content," as claimed by applicant. As set forth on page 9, first paragraph of the originally filed specification, the use of illusory content creates very little impact on the processing within the entities that do not recognize it.

Again, at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner has relied upon subject matter that is not prior art; and the prior art, when combined, fails to teach or suggest all the claim limitations. A notice of allowance or a specific prior art showing of such features, in combination with the remaining claim elements, is again respectfully requested.

Applicant's Previous Unconsidered Arguments

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It appears that the Examiner continues to rely on above excerpt from Feldman to make a prior art showing of applicant claimed "determining if illusory content needs to be sent prior to sending said response." See all independent claims.

Such excerpt, however, fails to disclose, teach and/or suggest applicant's claimed "determining if illusory content needs to be sent prior to sending said response" (emphasis added). As mentioned earlier, such response is received in response to a request. In sharp contrast, the VC KeepAlive message of Feldman is "only to be sent when no other protocol messages have been transmitted within the periodic interval time," and is sent "after initialization." This simply does not meet "prior to sending said response," as defined in the claims.

Yet again, at least the third element of the *prima facie* case of obviousness has not been met.

Applicant's Arguments Regarding further Deficiencies

It is further noted that the Examiner's rejection is further deficient with respect to various dependent claims. Just by way of example, the Examiner relies on the following APAA to make a prior art showing of applicant claimed "wherein said step of sending one or more messages containing illusory content further comprises the steps of: creating a copy of said response; modifying said copy of said response by inserting an entity-header; and transmitting said modified response said client." See Claim 14.

"In general, header fields can contain a number of different types of metainformation, as described in RFC 2616. In particular, the metainformation can include information about the resource identified in the request message. Header fields may also be extended to allow for additional entity-header fields, also as defined in RFC 2616. These entity-header fields allow the protocol to be extended to meet the particular needs of a particular entity, but it is important

to note that it cannot be assumed that the recipient of a message containing a user-defined entity-header will be able to recognize such a header. RFC 2616 specifically states that unrecognized header fields should be ignored by the recipient and must be forwarded by transparent proxies." (page 8, lines 10-18)

First, such excerpt should not necessarily be considered to be applicant's admitted prior art (AAPA). Further, even if such paragraph were to be considered AAPA, it would still fail to meet applicant's claimed subject matter.

Specifically, the foregoing excerpt fails to make any mention of applicant's claimed "wherein said step of sending one or more messages containing illusory content further comprises the steps of: creating a copy of said response; modifying said copy of said response by inserting an entity-header; and transmitting said modified response to said client" (emphasis added).

For the reasons set forth hereinabove, all of the independent claims and the dependent claims are deemed allowable.

All of the Examiner's rejections and objections are thus deemed to be overcome, and a notice of allowance is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. If any fees are due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P086/00.058.01).

Respectfully submitted,

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